

**ADDENDUM  
TO  
FINAL EXPRESS TERMS (FET)  
AND  
FINAL STATEMENT OF REASONS (FSOR)  
FOR PROPOSED BUILDING STANDARDS OF THE  
DEPARTMENT OF WATER RESOURCES  
REGARDING THE AMENDMENT OF THE  
2016 CALIFORNIA PLUMBING CODE (CPC),  
CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 5**

**DWR 01/16**

The California Department of Water Resources (DWR) intends to redesignate the sections of Chapter 16A, Part II (DWR) of the 2016 California Plumbing Code (CPC) as sections of Chapter 15 of the CPC to accommodate the organizational restructuring in the Code that occurred since Chapter 16A was first codified. DWR also intends to substantively amend certain sections of the CPC, including parts of chapters 2, 6, 15, and 16, as more specifically described in the Final Express Terms.

The majority of amendments proposed by DWR are contained in the FET and FSOR that were submitted to the California Building Standards Commission (CBSC) on May 26, 2017. Subsequently, additional changes were proposed with their rationale in a second 15-Day Express Terms dated May 25, 2017. The public comment period for the second 15-Day Express Terms was from May 26 to June 10, 2017. This document is an addendum to the FET and the FSOR to provide responses to comments on the second 15-Day Express Terms and to provide the amended language not included in the FET.

The Administrative Procedure Act requires that every agency shall maintain a file of each rulemaking that shall be deemed to be the record for that rulemaking proceeding. The rulemaking file shall include a final statement of reasons. The Final Statement of Reasons shall be available to the public upon request when rulemaking action is being undertaken. The following are the reasons for proposing this particular rulemaking action:

**UPDATES TO THE INITIAL STATEMENT OF REASONS:**

The Department of Water Resources (DWR) has not added any additional data or any technical, theoretical or empirical studies, reports or similar documents on which the DWR relied on in proposing these amendments to Title 24, Part 5 into this Addendum Final Statement of Reasons.

**MANDATE ON LOCAL AGENCIES OR SCHOOL DISTRICTS**

The DWR has determined that the proposed regulatory action would not impose a mandate on local agencies or school districts.

**PROPOSED LANGUAGE AND OBJECTIONS OR RECOMMENDATIONS MADE REGARDING THE PROPOSED REGULATION(S).**

This section serves a dual purpose as an addendum to the FET and as an addendum to the FSOR. Presented in this section are the amendments proposed in the second 15-Day Express Terms (Proposed Language), comments on the proposed amendments, and DWR's response to comments. Having considered the public comments, DWR proposes no change to the second 15-Day Express Terms and will request that the CBSC approve the Final Express Terms submitted to CBSC on May 26, 2017 as amended by the second 15-Day Express Terms as presented below.

### **Chapter 15. Section 1501.10**

#### **Proposed Language:**

#### **1501.10 Signage**

Signage for on-site treated nonpotable gray water shall comply with Sections 1501.10.1 and 1501.10.2. Signage for reclaimed (recycled) water supply system that is within or a part of a building shall comply with Section 1503.12.

**Comment on Second 15-Day Item:** No comments received.

**Response:** This is a nonsubstantive change intended to harmonize with language being coadopted by CBSC and HCD. DWR proposes to adopt section 1501.10 Chapter 15 of the CPC as shown above.

### **Chapter 15. Section 1502.3**

#### **Proposed Language:**

**1502.3 Connections to Potable and Reclaimed (Recycled) Water Supply Systems.** Gray water systems shall have no ~~unprotected~~direct connection to a potable water supply, on-site treated nonpotable water supply, or reclaimed (recycled) water supply systems.

#### **Exceptions:**

- (1) Potable water, on-site treated nonpotable gray water, reclaimed (recycled) water, or rainwater is permitted to be used as makeup water for a non-pressurized storage tank provided the connection is protected by an air gap, reduced-pressure principal backflow preventer, or other physical device which prevents backflow in accordance with this code.
- (2) A potable water supply may be connected temporarily for initial testing of the untreated graywater system as provided required in Section 1501.11.2.2.

**Comment on Second 15-Day Item:** No comments received.

**Response:** This is a nonsubstantive change intended to harmonize with language being coadopted by CBSC and HCD. DWR proposes to adopt section 1502.3 Chapter 15 of the CPC as shown above.

### **Chapter 15. Section 1503.13.2**

#### **Proposed Language:**

**1503.13.2 Cross-Connection Inspection and Testing.** An initial visual inspection and cross-connection test shall be performed on both the potable and recycled water supply systems before the initial operation of the reclaimed (recycled) water source system. During an initial or subsequent cross-connection test, the potable and reclaimed (recycled) water source system shall be isolated from each other and independently inspected and tested to ensure there is no cross-connection in accordance with Section 1503.13.2.2. Initial or subsequent inspections or tests shall be performed in accordance with Section 1503.13.2.1 through Section 1503.13.2.4. The inspection and testing shall be performed by a cross-connection control specialist certified by the California Nevada section of the American Water Works Association or an organization with equivalent certification requirements.

- (1) Written reports of cross-connection inspections and testing shall be performed as provided in California Code of Regulations, Title 22, Section 60316.
- (2) A cross-connection test pursuant to Section 1503.13.2.2 shall be performed on the premises of a recycled water supply system when there is material reason to believe that the potable water system or recycled water supply system separation from another water supply has been compromised. A material reason to believe that the system has been compromised may be based on, but is not limited to, evidence gathered (a) during a visual inspection performed pursuant to Section 1503.13.2.1, (b) as a result of an inspection performed following complaints of water quality or flow conditions consistent with a compromised system, or (c) during a visual inspection that indicates that the reclaimed (recycled) water supply system has been modified.

**Comment on Second 15-Day Item:**

**Name/Organization:** Shane Peters/ City of Santa Monica Building and Safety Department

**Comment:** The commenter disapproves deleting the sentence which specifies that the inspection be conducted by a certified cross-connection control specialist. The commenter stresses that this inspection is important to protect our water quality and water sources. The commenter continues that the inspection needs to be done correctly by a licenced cross-connection control specialist. Commenter cited water quality problems caused by a lack of educated trades industry. Commenter claims there is an increase in problems.

**Response:** DWR proposes to adopt section 1503.13.2 Chapter 15 of the CPC as shown above. DWR agrees with the need to protect our water quality and the important role that a certified cross-connection control specialist serves. The requirement for a certified cross-connection control specialist is contained in Section 60316(a) of Title 22 regulations. The deletion of the sentence has no regulatory effect because Section 60316(a) remains in effect. It is anticipated that the State Water Resources Control Board, which has senior authority over cross-connection control and certification, will be updating this section of Title 22 this coming year. After the Title 22 section update, DWR plans to address, in a future code cycle, the qualifications to perform cross-connection control tests in the California Plumbing Code.

**DETERMINATION OF ALTERNATIVES CONSIDERED AND EFFECT ON PRIVATE PERSONS**

The DWR had made an initial determination at the start of the 45-Day Public Comment Period that no alternative considered would be more effective in carrying out the purpose for which the regulation is proposed or would be as effective as and less burdensome to affected private persons than the adopted regulation.

Two alternatives were evaluated in addition to the proposed amendments: (1) Keep existing regulations in Plumbing Code Chapter 16A, Part II without update. (2) Move Plumbing Code Chapter 16A, Part II content to Ch. 15 to conform to current Plumbing Code organization without update or effective integration for ease of use. DWR has determined that no reasonable alternative considered by DWR or that has otherwise been identified and brought to the attention of DWR would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provisions of law. This conclusion is based on input from stakeholders and the State Water Resources Control Board.

**REJECTED PROPOSED ALTERNATIVE THAT WOULD LESSEN THE ADVERSE ECONOMIC IMPACT ON SMALL BUSINESSES:**

The Office of Small Business Advocate did not offer comments to the Office of the DWR on this proposed rulemaking action.

DWR has determined that this regulatory action would have no significant adverse economic impact on California business enterprises and individuals, including the ability of California businesses to compete with businesses in other states.

The proposed amendments will not create or eliminate jobs. The proposed amendments will not create or eliminate businesses. The proposed amendments will not affect the expansion of businesses currently doing business with the State of California. The CPC as currently in effect and as changed by the proposed amendments facilitates the use of recycled water, and thereby could allow business to expand in areas that are constrained by water availability. The proposed amendments will update and improve California Plumbing Code standards for the safe use of recycled water in buildings and surrounding landscape with both potable and recycled water.